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MAR 21 2025
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY _____ DEPUTY

MARIO ANTONIO RAMIREZ
2421 W NIGHT OWL LANE
PHOENIX, AZ 85085
(313) 778-2685

IN UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

MARIO ANTONIO RAMIREZ, Plaintiff, v. TYLOR WHITT; JOSHUA FISTER; ROSS ESTRELLA; TODD UTHE; BRYAN MATTHEWS, Defendant(s).	CASE NUMBER: **CV25-00941-PHX-SPL** **COMPLAINT**

Plaintiff Mario A. Ramirez files this initial complaint against Defendants Tylor Whitt, Ross Estrella, Joshua Fister, Todd Uthe, and Bryan Matthews individually and in their official capacities, alleging as follows:

JURISDICTION

1. Jurisdiction is conferred on this court pursuant to 28 U.S.C. §1331 and 42 U.S.C. §1983.
2. Venue is proper pursuant to 28 U.S.C. §1391(b), as all incidents occurred within the jurisdiction of this court. The plaintiff is a resident of PHOENIX,

Maricopa County, AZ and a citizen of the United States. The defendant, TYLOR WHITT, is a resident of PHOENIX, AZ and a citizen of the United States. The defendant, JOSHUA FISTER, is a resident of PHOENIX, AZ and a citizen of the United States. The defendant, ROSS ESTRELLA, is a resident of PHOENIX, AZ and a citizen of the United States. The defendant, TODD UTHE, is a resident of PHOENIX, AZ and a citizen of the United States. The defendant, BRYAN MATTHEWS, is a resident of PHOENIX, AZ and a citizen of the United States. The cause of action arose in the Phoenix division.

COMPLAINT

3. Plaintiff Ramirez was subjected to an administrative investigation by Defendants Whitt and Estrella, conducted improperly prior to and overlapping with a criminal investigation in March 2023.
4. Defendants coerced Plaintiff into participating in the administrative investigation despite his explicit invocation of Fifth Amendment rights and request for legal representation, violating clearly established constitutional rights.

5. Defendants ignored procedural safeguards established by the VA Handbook 0700, §5(c)(1), which explicitly protects employees from self-incrimination during administrative proceedings.
6. Defendant Fister improperly directed Defendant Uthe to issu a Federal Violation Notice against Plaintiff on baseless criminal firearms charges, constituting malicious prosecution without probable cause, subsequently dismissed by the U.S. Attorney's Office due to procedural and investigative irregularities.
7. Defendant Uthe supported and furthered actions by Defendants Whitt and Estrella, facilitating the unlawful prosecution and subsequent deprivation of Plaintiff's rights.
8. Defendant Matthews, as Medical Center Director, permitted and endorsed the unlawful actions taken by the aforementioned Defendants, failed to correct these violations, and supported the wrongdoing of his officers.
9. The criminal charges against Plaintiff were dismissed on July 17, 2023, establishing that there was no legitimate basis for prosecution.

CLAIMS FOR RELIEF

COUNT I: Malicious Prosecution (Bivens Action)

10. Plaintiff incorporates paragraphs 1 through 9 by reference.

11. Defendants instituted criminal proceedings without probable cause and with malicious intent, evidenced by their knowledge of procedural missteps and retaliatory motives.

12. These actions were resolved in Plaintiff's favor with the dismissal of charges, demonstrating clear malice and lack of probable cause.

13. Under federal law, the applicable statute of limitations for Bivens actions is two years from the date the cause of action accrued.

COUNT II: Violation of Fifth Amendment Rights

14. Plaintiff explicitly invoked his Fifth Amendment right against self-incrimination, yet Defendants compelled statements through threats of disciplinary action.

15. Defendants ignored VA Handbook 0700 and Title 38 CFR § 0.735-12, mandating adherence to constitutional protections against self-incrimination.

COUNT III: Violation of Sixth Amendment Rights

16. Plaintiff requested legal counsel during administrative and criminal investigations; however, Defendants Whitt and Estrella actively denied Plaintiff's right to counsel, violating his Sixth Amendment rights.

17. This denial created a coercive environment, pressuring Plaintiff into statements and actions against his legal interest.

QUALIFIED IMMUNITY NOT APPLICABLE

18. Defendants' actions, including Defendant Matthews' failure to correct and his support of these actions, violated clearly established statutory and constitutional rights of which reasonable persons would have known. Therefore, Defendants are not entitled to qualified immunity in this matter.

LEGITIMACY OF CLAIM

19. This lawsuit is legitimate, grounded on substantial facts, and supported by clear constitutional violations and procedural misconduct by Defendants.

DAMAGES

20. As a result of Defendants' conduct, Plaintiff has suffered substantial emotional distress, loss of employment, reputation damage, and financial harm.

DEMAND

WHEREFORE, Plaintiff Mario A. Ramirez respectfully requests that this Court:

a. Enter judgment in favor of Plaintiff against Defendants Whitt, Estrella, Fister, Uthe, and Matthews;

b. Award compensatory damages for emotional distress, economic losses, and reputation damages;

c. Award punitive damages for malicious actions and willful violations of constitutional rights;

d. Award attorney's fees pursuant to 42 U.S.C. §1988 and all costs associated with this action;

e. Provide any further relief the Court deems just and equitable.

Respectfully Submitted,

Date: March 21, 2025

Signature of Pro Se Plaintiff
MARIO ANTONIO RAMIREZ
2421 W NIGHT OWL LANE
PHOENIX, AZ 85085
(313) 778-2685

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of March 2025, I caused the foregoing to be filed with United States District Court – District of Arizona - Clerk of the Court, and that a true and correct copy of the foregoing was served upon:

1. **Bryant Matthew**
   650 East Indian School Road
   Phoenix, AZ 85016

2. **Tylor Whitt**
   650 East Indian School Road
   Phoenix, AZ 85016

3. **Joshua Fister**
   650 East Indian School Road
   Phoenix, AZ 85016

4. **Ross Estrella**
   650 East Indian School Road
   Phoenix, AZ 85016

5. **Todd Uthe**
   650 East Indian School Road
   Phoenix, AZ 85016